

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, APRIL 6, 2017 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present:

Councilmember Ward 2 Anita Twitchell
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large James Terwilliger
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent:

Councilmember Ward 1 Nick Cutri – Absent due to illness
Councilmember-at-Large Matt Martin (Arrived at 7:04 pm)
Councilmember-at-Large Robert O’Brien– Absent due to illness

Also Present:

City Manager Ted Andrzejewski
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah
Assistant City Manager John Goodwin

Review of Community Core Values: Councilmember Ward 2 Twitchell read Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of March 2, 2017. Councilmember-at-Large Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote. (6-0)

Recognition of Guests:

- a. Paul Bringewatt, Chair of the Charter Review Commission provided a synopsis of the Commission’s review process and an update on work that has been conducted. The Charter Commission was appointed by the Mayor and is made up of 6 citizens, 4 Councilmembers and 1 Staff person. Paul described the changes that are being recommended including:
 - i. Changing the Council to a 4 year term
 - ii. Changing the City Supervisors to a 4 year term
 - iii. Update and Revision to the tax sale process
 - iv. Other smaller modifications of language.

The next public hearing will be on April 26. The committee will be developing a public information campaign.

- b. Mike Yarger – spoke on the Commission’s recommendation to increase terms to 4 years because it takes power from the voters, this should be balanced with provision for term limits. Calling for the public to respond at the Public Hearing on April 26th if they would like to see limits.
- c. Bob Calman – spoke on the hotel project and rather than “wait and see” would like the Council to take a more proactive approach and gather information related to proposal for condominiums so it is prepared. He would like to see the project be successful.
- d. Frank Hamlin, President, CNB –spoke on CNB’s assessment challenge where City has assessed it at \$3.7 million dollars and CNB believes it could be sold for only \$1.2 million. After litigation the Judge set the assessed value at \$2.3 million dollars. Their proposal is that Judge’s valuation should be continued. Paying “fair share” is not the question, that is what they are trying to do. Demands to meet with the Mayor and City Attorney to resolve this matter.

Committee Reports:

Planning Development Committee Meeting: March 7, 2017 (Appendix A)

- Sidewalk – South Pearl Street
- 2016/2017 Strategic Plan

Planning Development Committee Meeting: April 4, 2017 (Appendix A)

- Special Event – Canandaigua BID and FLCC’s “Bridge of Diversity” Fair
- Hurley Building Project Update
- Economic Development Report

Environmental/Parks Committee Meeting: No Meeting

Ordinance/Charter Committee Meeting: No Meeting

Finance/Budget Committee Meeting: March 28, 2017 (Appendix B)

- Shared Service Agreement – Town Transfer Station
- Budget Amendment – Grant Award for Police Equipment
- Budget Amendment – Lagoon Park Restoration Grant
- Budget Amendment – Re-Allocation of Recreation Supervisor Salary
- 2016 Year End Financials
- Civil Service – Establishing Position – Landscape Maintainer
- Canandaigua Finger Lakes Resort – Financial Assistance Request
- Ontario County Values, Inc - Fire Service Figures
- Executive Session – Potential Litigation - Multiple Streets Reconstruction Project

Committee of the Whole Meeting: March 21, 2017 (Appendix C)

Charter Review Committee: March 29, 2017 (Appendix D)

Planned Unit Development: March 23, 2017 (Appendix E)

Resolutions:

Resolution #2017-028:

Moved: Councilmember Ward 4 Wade
Seconded: Councilmember Ward 2 Twitchell

A RESOLUTION APPROVING A STORY WALK AT BAKER PARK

WHEREAS, the Wood Library approached the City about partnering to install a story walk at Baker Park to encourage and promote reading and outdoor physical activity for children and families; and

WHEREAS, the story walk will entail the installation of twenty (20) displays along the path of Baker Park with each display housing one to two pages of a story, resulting in walkers completing a story by completing the walk; and

WHEREAS, City staff recommended that City Council approve and said recommendation was reviewed and approved by the Committee of the Whole at its March 21, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby approves the installation of a story walk at Baker Park.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

Resolution #2017-029:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 4 Wade

A RESOLUTION CERTIFYING THE SKETCH PLAN SUBMISSION OF CAPSTONE REAL ESTATE DEVELOPMENT LLC FOR A PLANNED UNIT DEVELOPMENT AS BEING COMPLETE AND MAKE NECESSARY REFERRALS

WHEREAS, the Canandaigua City Council is in receipt of an application for sketch plan approval and supporting documentation for a proposed Planned Unit Development at 243-299 Gorham Street; and

WHEREAS, the Canandaigua City Council has reviewed this submittal in accordance with Chapter 850, Article XII of the Municipal Code (Planned Unit Developments), and

WHEREAS, the Planned Unit Development Committee of City Council met on March 23, 2017 to review this submittal and has recommended that it be accepted as complete in accordance with the requirements of the City of Canandaigua, Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council:

1. That the sketch plan application is certified as being complete in accordance with § 850-124.B(4).
2. That the sketch plan shall be submitted to the City staff for coordinated staff review accordance with § 850-124.B(4), and
3. That the sketch plan shall be submitted to the City Planning Commission for review in accordance with § 850-124.B(5).
4. That the sketch plan shall be submitted to the Ontario County Planning Board for review in accordance with General Municipal Law Article 12-B, Sections § 239.
5. The Canandaigua City Council shall seek Lead Agency Status for the Environmental Review in accordance with 6 NYCRR Part 617 (SEQRA).

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2017-030:

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 3 White

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING ON A PROPOSED
PLANNED UNIT DEVELOPMENT REZONING.**

WHEREAS, Section 850-124 of the City of Canandaigua Municipal Code requires the City Council to set a public hearing on a sketch plan application for a Planned Unit Development (PUD) district zoning designation, for the purpose of obtaining public input regarding sketch plan approval or disapproval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding the sketch plan application for the redevelopment of the property at 243-299 Gorham Street be held during the Planned Unit Development Committee meeting held at 7:00 p.m. on April 20, 2017 at the Hurley Building, 205 Saltonstall Street, Canandaigua, New York; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given and published as required by law.

Vote Result: Carried unanimously by voice vote. (7-0).

Resolution #2017-031

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 2 Twitchell

**A RESOLUTION AUTHORIZING USES FOR PHASE I OF THE NORTH SHORE PROJECT IN
THE LAKEFRONT REDEVELOPMENT
PLANNED UNIT DEVELOPMENT**

WHEREAS, On October 2, 2014, by Resolution #2014-076, the City Council adopted an amended final site plan of the proposed Phase I - North Shore Project, which continued all prior conditions of approval; and

WHEREAS, On April 3, 2014, by Resolution #2014-035, the City Council adopted the final site plan of the proposed Phase I - North Shore Project, which continued all prior conditions of approval; and

WHEREAS, On December 19, 2013, by Resolution #2013-095, the City Council adopted the preliminary site plan for the proposed Phase I - North Shore Project and issued a written statement with conditions, which included City Council review and approval of the proposed commercial uses (Statement Article III, paragraph 16(E)); and

WHEREAS, by Resolution #2015-055, the City Council authorized a restaurant/micro-brewery for Building A of the final site plan; and

WHEREAS, Developer has requested authorization for a carry-out custard restaurant in building B of the final site plan; and

WHEREAS, the City staff has recommended that condition 16(E) requiring City Council approval for every use be amended to designate the uses authorized in the City's C-L zone district as appropriate.

NOW, THEREFORE BE IT RESOLVED, that the Canandaigua City Council approves the use of Building B in Phase I of the final site plan for a carry-out custard restaurant; and

BE IT FURTHER RESOLVED, that the condition in paragraph 16(E) set forth in the Statement of City Council, incorporated in Resolution #2013-095, shall be amended to delete the requirement that the City Council review and approve all proposed uses and instead require that the uses set forth in code section 850-40, C-L Commercial Lakefront District, shall be applicable. Any other requested use must be referred by the City Planning Commission and reviewed and approved by City Council.

This Resolution shall take effect immediately upon adoption.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2017-032:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember-at-Large Terwilliger

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE TRANSFER FACILITY USAGE AGREEMENT WITH THE TOWN OF CANANDAIGUA

WHEREAS, the City of Canandaigua and Town of Canandaigua entered into a Transfer Facility Usage Agreement dated May 1, 2014; and

WHEREAS, the Agreement was scheduled to terminate on October 31, 2014; and

WHEREAS, the City and Town have twice amended the Agreement to allow the City to use the Transfer Facility for until April 31, 2018; and

WHEREAS, the City desires to continue the Agreement and further explore a long term arrangement with the Town to share a transfer facility;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute an amendment to the Transfer Facility Usage Agreement with the Town of Canandaigua to provide for continued use of the Transfer Facility for up to one year.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2017-033:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE WITH CHATFIELD
ENGINEERS RELATED TO THE 2015 MULTIPLE STREETS PROJECT**

WHEREAS, the City and Chatfield Engineers are each a party to a certain Professional Services Agreement ("Agreement") dated May 5, 2014; and

WHEREAS, Chatfield Engineers provided Design and Construction Phase Engineering Services for the City of Canandaigua 2015 Multiple Street Reconstruction Project (the "Project"); and

WHEREAS, during the course of the construction, as the actual material quantities for the Project were installed, the original Project cost was exceeded due to several factors, some of which were standard for infrastructure projects, but also as a result of Payment Item estimates made by Chatfield Engineers, that were exceeded ("Cost Issues"). The exceedance of the costs was beyond the amount budgeted by the City of Canandaigua plus contingency funds and resulted in a budget shortfall for the City of Canandaigua; and

WHEREAS, in an effort to resolve the Cost Issues and to avoid the assertion of various claims and causes of action among the Parties, the Parties met to discuss resolution; and

WHEREAS, the Parties wish to settle and finally resolve the Cost Issues between them on mutually agreed terms; and

WHEREAS, in order to assist the City in resolving the Cost Issues, Chatfield Engineers offered to allocate cash and to reduce its Contract Price from the amount at which it was otherwise set and also offered to provide additional engineering services.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute the attached Settlement Agreement and Release with Chatfield Engineers.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2017-034:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

A RESOLUTION CREATING LIENS UPON CERTAIN CITY PROPERTIES FOR WATER AND SEWER FEES, SOLID WASTE COLLECTION FEES AND CODE ENFORCEMENT AND FIRE INSPECTION ARREARS

WHEREAS, Chapter 14.18 of the City of Canandaigua Charter and Section 452.4 of the General Municipal Law authorizes the creation of property tax liens for delinquent water and sewer charges; and

WHEREAS, Chapter 292-4 B and Chapter 748-84 of the City of Canandaigua Municipal Code authorize the creation of tax liens for delinquent charges for services performed by the City of Canandaigua Code Enforcement Department and unpaid inspection fees; and

WHEREAS, Chapter 600-12 F of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent snow removal fees for inspections performed by the City of Canandaigua Department of Public Works; and

WHEREAS, Chapter 714-31 B of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent fire inspection fees for inspections performed by the City of Canandaigua Fire Department; and

WHEREAS, Chapter 585-12 F(3) of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent solid waste collection fees; and

WHEREAS, at this date several such outstanding invoices in arrears exist on the City records which are detailed in the attached statement; and

WHEREAS, the property owners on the attached list have been notified of the delinquent charges by the City of Canandaigua Clerk/Treasurer's Office;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that there are hereby created liens on the properties listed on the attached statement; and

BE IT FURTHER RESOLVED, that said liens shall be added to the City's tax roll and enforced in the same manner as other City taxes.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

Resolution #2017-035:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AMENDING THE
2017 PUBLIC SAFETY BUDGET FOR A GRANT AWARD**

WHEREAS, the Police Department, as part of a County-wide grant application has been awarded \$7,500 from the 2016-2017 Police Protective Equipment Program; and

WHEREAS, the Police Protective Equipment Program is geared toward vests and helmets that would be utilized for active shooter, barricaded shooter or other high threat situations; and

WHEREAS, a budget amendment is required by City Council to appropriate \$7,500 which will be reimbursed by the grant funds; and

WHEREAS, City staff recommended that City Council appropriate \$7,500 and said recommendation was reviewed and approved by the Finance/Budget Committee at its March 28, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby appropriates \$7,500 from contingency and hereby authorizes that said funds be transferred to the appropriate budget account, as determined by the City Clerk/Treasurer.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

Resolution #2017-036:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember Ward 3 White

**A RESOLUTION AMENDING THE 2017 GENERAL FUND BUDGET FOR THE LAGOON
PARK RESTORATION PROJECT**

WHEREAS, in 2015 the City received a \$12,985 grant from the Corporate Wetlands Restoration Partnership and a donation of \$3,000 from the Canandaigua Lake Watershed Association for the Lagoon Park Restoration Project; and

WHEREAS, in 2015 \$5,503.50 was utilized for the project, leaving a balance of \$10,481.50 for the on-going portion of the project; and

WHEREAS, upon a receipt of a recent invoice for work completed in 2016, it was discovered that the aforementioned balance of \$10,481.50 was mistakenly applied to the City's Fund Balance instead of being placed into a Trust and Agency account; and

WHEREAS, City staff recommended that City Council appropriate \$10,481.50 to re-establish the project funds and said recommendation was reviewed and approved by the Finance/Budget Committee at its March 28, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby appropriates \$10,481.50 from Fund Balance and hereby authorizes that said funds be transferred to the appropriate budget account, as determined by the City Clerk/Treasurer.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

Resolution #2017-037:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

A RESOLUTION AMENDING THE 2017 GENERAL FUND BUDGET TO RE-ALLOCATE THE SALARY OF THE RECREATION SUPERVISOR

WHEREAS, the 2017 Adopted Budget included the salary of the Confidential Secretary to the City Manager/Recreation Program Director position which was allocated to budget centers as follows: 10% Joint Recreation Programs, 10% Youth Programs, 5% Kiddie Camp, 1.5% Adult Recreation and the balance charged to the City Manager's budget center; and

WHEREAS, a recent change in personnel and creation of the Recreation Supervisor position has resulted in reassignment of duties and requires that the salary be re-allocated; and

WHEREAS, City staff recommended a budget amendment (attached) transferring funding from the City Manager budget center to various recreation budget centers to re-allocate the salary as follows 30% Joint Recreation Programs, 25% Youth Programs, 5% Kiddie Camp, 5% Adult Recreation, 25% Kershaw Beach and 10% City Manager; and

WHEREAS, said recommendation was reviewed and approved by the Finance/Budget Committee at its March 28, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby approves the attached budget amendment to re-allocate the salary of the Recreation Supervisor.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

NOES: None.

Resolution #2017-038:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 4 Wade

A RESOLUTION ESTABLISHING LANDSCAPE MAINTAINER POSITION

WHEREAS, recently a Parks Maintenance Assistant completed a civil service process to review the duties of the position and Civil Service determined that the position must be reclassified as a Landscape Maintainer; and

WHEREAS, the title does not exist on the City's list of approved titles; and

WHEREAS, the City Council must adopt a resolution to establish a Landscape Maintainer position per requirements of the Ontario County Department of Human Resources; and

WHEREAS, the Finance/Budget Committee reviewed and endorsed the establishment of said position at its March 28, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes the position of Landscape Maintainer.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2017-039:

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING A SPECIAL EVENT
*FLCC's Bridge of Diversity Fair***

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***FLCC's Bridge of Diversity Fair***

Date: April 29, 2017

Location: Main Street Sidewalks, Commons Park & Coach
Street

Coordinator: Downtown Business Improvement District & FLCC

Time: 10:00 a.m. – 5:00 p.m.

Purpose: Culturally Diversify Main Street and create a bridge of connection within the community

Expected Number of Participants: 2,000

WHEREAS, this request was reviewed and approved at the April 4, 2017 Planning/Development Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizer of the Special Event shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinances: None

Local Laws: None

Manager's Report: City Manager Ted Andrzejewski reported the following:

- FLTV.org will the Canandaigua City Channel will host Canandaigua Conversations this month with DPW Director James Sprague.
- The Streetlight project is proceeding.
- The LISK PUD project will be very good for the City.
- Byrne Dairy project proceeding very well and there have been many inquiries on the present Byrne Dairy building on Main St.
- BID is doing a lot of work recruiting for downtown.
- Yard waste pickup has started and is opposite the recycling week.
- DPW is getting ready for summer.
- Summer camp signups are progressing.

Appointments: None

Miscellaneous:

- Mayor Polimeni thanked Councilmember Ward 3 White for putting together a receptions for French students at FLCC.

- There is a fundraiser on Sunday April 9th at Charlie Riedel's to benefit a first grader with cancer.
- David Poteet, 120 Park St., missed the opportunity to speak requiring the Charter Review Commission but he is opposed to the proposal to include term limits because it may force people out of public service who are otherwise qualified. He does not think this would be necessary at this level of government.

Executive Session:

Councilmember-at-Large Martin moved to close the regular meeting to go into Executive Session at 8:41 PM to discuss employment history of a particular person and pending litigation. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0)

Regular Session:

Councilmember Ward 3 White moved to close the executive session and return to the regular meeting at 9:33 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0).

Adjournment

Councilmember Ward 3 White moved to adjourn the regular session at 9:33 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0).

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
PLANNING/DEVELOPMENT
Tuesday, March 7, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: Cindy Wade, Chair; Robert O'Brien; Jim Terwilliger; Anita Twitchell

Other Council members: Ellen Polimeni; Nick Cutri; Karen White; Matt Martin

Staff: John Goodwin; Jim Abraham

1. Sidewalk – South Pearl Street

Earlier this year a parent of a person living at an ARC house located at 241 S. Pearl Street requested that a sidewalk be installed from the corner of Bristol Street to the home's driveway. In accordance with the City's Comprehensive Plan, Complete Streets Policy, Active Transportation Plan, and best practices the sidewalk should be installed from Bristol Street to Clark Street. Although this sidewalk would fill a gap in the City's sidewalk network, there are a number of obstacles (trees, utility poles and open drainage way) in the right-of-way and grading differences between the curb line and the front yards that would require removal, relocating and drainage work. These obstacles can be overcome with cooperation of the property owners and additional expense. City staff prepared a ballpark estimate for the installation of the sidewalk, tree and vegetation removal, drainage and grading work which totals \$47,000. As this sidewalk was not planned for in the budget, would consume the majority of the City's \$50,000 budget for sidewalk work, significantly impact the property owners on the east side of S. Pearl Street from Bristol Street to Clark Street, staff recommended that the matter be discussed by City Council. Councilmember Karen White invited the property owners to the Planning/Development Committee and DPW spray painted the approximate location of the sidewalk. **John Goodwin provided a brief overview of the proposed sidewalk project. All effected residents of the proposed project were invited and the vast majority attending the meeting and expressed concerns about the tree removals, drainage, property access (driveway) and privacy issues (sidewalk would be very close to homes) that the sidewalk would cause. The Committee and councilmembers in attendance were not in favor of the project due to the aforementioned concerns and obstacles.**

2. 2016/2017 Strategic Plan

The Planning/Development Committee reviewed and discussed the strategic plan at its February 14, 2017 meeting, but was unable to complete a review of the entire plan. This item is meant to provide the Committee the opportunity to complete its review of the plan, update progress and re-prioritize strategic plan goals. Attached is the Strategic Plan. **The Committee completed its review of the projects listed within the Strategic Plan. Several projects have been completed and progress has been made on others.**

APPENDIX A (Continued)
PLANNING/DEVELOPMENT
Tuesday, April 4, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: Cindy Wade, Chair -absent; Jim Terwilliger – acting Chair; Robert O’Brien; Anita Twitchell

Other Council members: Ellen Polimeni; Matt Martin; Karen White

Staff: Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague; Rick Brown

1. Special Event – Canandaigua BID and FLCC’s “Bridge of Diversity” Fair

The BID and FLCC would like to hold a Diversity Fair event Downtown as means to create a bridge of connection within the community (FLCC, Main Street, local schools and local businesses) and promote/welcome the diversity of our community. The event will includes vendors and booths on Main and Coach Street sidewalks, speakers/presentations at The Commons and have food vendors. As this is a new event, it requires City Council approval. Denise Chaapel (BID) and Dorin Allen Carr (FLCC) came to speak on the event and answer any questions.

Motion to approve made by Robert O’Brien, 2nd by Anita Twitchell. Vote 3-0

RESOLUTION for City Council meeting

2. Hurley Building Project Update

As previously reported the bids received for the first phase of the Hurley Building project were higher than anticipated. Due to these unexpected bid results, the bids were rejected and a complete cost estimate for the entire project was prepared to assist in phasing the project or eliminating portions due to budgetary constraints. The costs estimate for the project is significantly higher than budgeted.

Jim Sprague presented the cost estimate report to the Committee and options to move forward. Original estimates were \$3.5 million, Cost estimate came in at over \$7.3 million. DPW then broke down the project into 8 separate areas for phasing and cost estimating purposes. Bond authorization was for \$5.5M for City and DPW improvements. City Hall has proceeded and have about \$4.6 available for this project. DPW will come back with a recommendation for the most critical upgrades.

FYI only at this time.

3. Economic Development Report

City staff has been performing the economic development activities on behalf of the City since January 1, 2017. This will be the first economic development report, reporting on the activity from January – March. Attached is a report on the economic development projects for this period.

Ted, John and Rick Brown discussed 9 major projects.

Denise Chaapel provided update on BID’s Recruitment Committee efforts.

Executive session to discuss employment history of particular person and pending litigation.

Adjourn executive session at 9:37. Motion made by Robert, 2nd by Karen. Vote 3-0.

Adjourn meeting at 9:37. Motion made by Robert, 2nd by Karen. Vote 3-0.

APPENDIX B
FINANCE/BUDGET COMMITTEE
Tuesday, March 28, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: James Terwilliger, Chairman; Robert O'Brien; Cindy Wade; Karen White

Other Council Members: Anita Twitchell; Matt Martin; David Whitcomb; Ellen Polimeni (arrived at 7:24)

Staff: Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague

1. Shared Service Agreement – Town Transfer Station

The City has contracted with the Town to utilize its transfer facility since May 2014 to provide City residents with a location to dispose of bulk refuse and recycling waste. Residents are required to purchase transfer facility payment cards which can be obtained at the Clerk's Office or at the Hurley Building during regular work hours. The arrangement has been successful and staff recommends renewing the agreement for another year (until April 30, 2018) under the same terms and conditions.

Motion to approve made by Cindy Wade, 2nd by Anita Twitchell. Vote 4-0

RESOLUTION for Council meeting

2. Budget Amendment – Grant Award for Police Equipment

The Police Department, as part of a County-wide grant application, has been awarded \$7,500 grant funds from the 2016-2017 Police Protective Equipment Program. This program is geared toward vests and helmets that would be utilized for active shooter, barricaded shooter or other high threat situations. The grant funds will be used for the purchase of ballistic vests that are designed to stop rifle rounds, which the standard body armor worn by officers cannot. A budget amendment is required by City Council to appropriate \$7,500 which will be reimbursed by the grant funds.

Motion to approve made by Cindy Wade, 2nd by Robert O'Brien. Vote 4-0

RESOLUTION for Council meeting

3. Budget Amendment – Lagoon Park Restoration Grant

The City received a \$12,985 grant from the Corporate Wetlands Restoration Partnership and a donation of \$3,000 from the Canandaigua Lake Watershed Association in 2015 for the Lagoon Park Restoration Project. In 2015 and 2016 \$5,503.50 was utilized for the project, leaving a balance of \$10,481.50 for the on-going portion of the project. Upon receipt of a recent invoice, it was discovered that this balance mistakenly was applied to the City's Fund Balance instead of being placed into a Trust and Agency account. As such, City Council must re-establish this appropriation to fund the current invoice and future expenditures for this project. City staff recommends appropriating \$10,481.50 from fund balance. Any remaining funds at the end of this year will be transferred to Trust and Agency and held for future expenditures.

Motion to approve made by Robert O'Brien, 2nd by Cindy Wade 4-0.

RESOLUTION for Council meeting

4. Budget Amendment – Re-Allocation of Recreation Supervisor Salary

Civil Service reviewed the position of Confidential Secretary to the City Manager/Recreation Program Director and determined that the position should be broken up into two separate positions. The administrative duties that were performed by the position in the City Manager's office will be performed by the City Manager and Assistant City Manager. Further, the City Manager has assigned the oversight of the Kershaw Beach to the newly created Recreation Supervisor position. With this change, it is appropriate to re-allocate where the salary of the position is charged. Staff recommends that the salary be re-allocated 10% to City Manager (special event administration), 30% Joint Recreation Programs, 25% Youth Programs, 5% Kiddie Camp, 5% Adult Recreation and 25% Kershaw Beach. A budget amendment transferring funding from the City Manager's budget center to the various recreation budget centers is necessary and requires City Council approval.

Motion to approve made by Karen White, 2nd made by Robert O'Brien. Vote 4-0

RESOLUTION for Council meeting

APPENDIX C (Continued)
FINANCE/BUDGET COMMITTEE
Tuesday, March 28, 2017

4. 2016 Year End Financials (estimated discussion length 10-15 minutes)

The Assistant City Manager will briefly present the Treasurer's report of the financials and attempt to answer any questions.

General review and discussion. No action necessary.

5. Civil Service – Establishing Position – Landscape Maintainer (est. discussion length 5-10 minutes)

When an employee feels that he/she is performing work out of title, the employee may complete a form detailing his/her duties and submit, after Supervisor confirmation, to Civil Service for review and determination. Recently, a Parks Maintenance Assistant completed said process and Civil Service determined that the position must be reclassified as a Landscape Maintainer. This title does not exist on the City's list of approved titles and must be created by City Council. City staff recommends creating the position.

Motion to create position of Landscape Maintainer made by Robert O'Brien, 2nd by Karen White. Vote 4-0
RESOLUTION for Council meeting

6. Canandaigua Finger Lakes Resort – Financial Assistance Request (est. discussion length 15-30 minutes)

During the February 28, 2017 Finance/Budget Committee meeting, David Genecco and Robert Murphy presented a letter to the committee requesting funding assistance to help them obtain financing to complete the construction of the Canandaigua Finger Lakes Resort. No action was taken at the meeting, but the item was tabled for discussion at the March 28th meeting.

No councilmember was in favor of providing the relief that was requested. The Council members are disappointed that items, which were conditions for approval of this project, such as public parking, public docks and even the stormwater basins, the City is now being asked to pay for these improvements. However, the City will assist in grant requests that the Developer prepares. Many Council members are seriously willing to consider eminent domain to take control of the property and remove this blight. But Council members are also willing to consider any other options that staff is able to propose to get this project to completion. Everyone very frustrated.

The Council does need to consider taking action to call the surety in order to improve the public parking lots and complete the landscaping. No action at this time.

7. Ontario County Values, Inc - Fire Service Figures (est. discussion length 15-30 minutes)

Representatives from Ontario County Values, Inc. presented a report on the cost of fire services in Ontario County at the February 28, 2017 Finance/Budget Committee meeting. The study only compared expenditures based on NYS Comptroller data and did not take into account different service levels or number/nature of personnel. The Finance/Budget Committee has identified regional fire services as priority topic for discussion throughout the year and decided to table further discussion on fire services to the March 28, 2017 meeting.

General discussion regarding the likely errors in the report's analysis but beneficial for raising the topic of regional firefighting services. Value of the study transcends the numbers but points out obvious discrepancies in services and the complexities of the various service providers. This is a topic that needs to start at the County level to see if they are interested in spearheading this discussion. Also need to keep in mind the question of whether or not the City is efficiently providing fire service. Continue the discussion next month to discuss the level of the service that the Council is comfortable with and also the Fire Dept.'s request for additional staffing. No action at this time.

APPENDIX C (Continued)
FINANCE/BUDGET COMMITTEE
Tuesday, March 28, 2017

8. Executive Session – Potential Litigation - Multiple Streets Reconstruction Project (est. discussion length 5-10 minutes)

At the February 28, 2017 Finance/Budget Committee meeting, a budget amendment to fund an overage to the construction costs related to the 2015 Multiple Street Reconstruction Project was presented. The overrun was caused by multiple factors including (1) an error in the published area of the Hubbell Street reconstruction, which resulted in lower quantities for subbase, binder asphalt and top asphalt in the bid documents than were required; (2) the quantity of bedrock removal that was required was higher than provided in the bid documents; and (3) project scheduling called for the use of approximately six times (6X) as much temporary asphalt of the quantity included in the project bid documents. City Council approved the budget amendment at its March 2, 2017 meeting, but required that payment be withheld until a complete investigation was completed. An investigation was completed and staff is prepared to brief City Council of the results and proposed settlement.

Motion to adjourn out of executive session at 9:47 made by Karen White, 2nd by Robert O'Brien. Vote 4-0

Motion to approve acceptance of proposed settlement with Chatfield Engineers made by Karen White, 2nd by Robert O'Brien. Vote 4-0

Motion to adjourn meeting made by Karen White, 2nd by Robert O'Brien. Vote 4-0

APPENDIX C
COMMITTEE OF THE WHOLE
Tuesday, March 21, 2017
7:00 p.m.
Hurley Building Conference Room

COUNCIL MEMBERS: Ellen Polimeni, Chair; David Whitcomb; Karen White; Jim Terwilliger; Anita Twitchell; Cindy Wade (absence); Matt Martin (absence); Nick Cutri (medical absence); Robert O'Brien (medical absence);

Staff: Ted Andrzejewski; John Goodwin; Michele Smith

1. StoryWalk at Baker Park – Wood Library

The Wood Library approached the City about partnering to install a story walk at Baker Park to encourage and promote reading and outdoor physical activity for children and families. The proposed story walk would entail the installation of twenty (20) displays (each display having one to two pages of a story) along the path of Baker Park, which would be installed by City crews. The content of the displays would be changed and maintained by the Wood Library. Attached to the agenda is a sample of the displays.

The City Manager recommends that the Council approve the project as the amenity is consistent with the City's recreation and parks goals.

Motion by David Whitcomb to support, 2nd by Jim Terwilliger. Voice vote 5-0.

RESOLUTION

2. LED Streetlight Conversion – Update

In January, the City issued an RFP seeking a firm to assist the City in acquiring the entire street lighting infrastructure (approximately 2,000 RG&E owned street lights) in the City and to convert the existing fixtures to LEDs. The goal of this project is to conserve energy and reduce energy costs. In addition, if possible, the project would include replacing Downtown street lighting with more aesthetic light poles and adding lights for side streets and sidewalks. The project would involve a performance contract, pursuant to Article 9 of the NYS Energy Law. The costs of the improvements would be paid for through reductions in the energy costs and the savings would be guaranteed. The City received five (5) proposals. The Manager's Office has conducted three interviews of interested companies. The City Manager currently favors SmartWatt but still gathering information. Final recommendation will be presented at the April 11th Environmental Committee.

FYI – no action necessary.

3. Urban and Community Forestry Grant Program – Update

The City submitted a grant application to the New York State Department of Environmental Conservation requesting \$15,000 over two years (2017 and 2018) to assist the City in its maintenance of its urban forest by planting 100 trees per year. The local match totaled \$19,058.50, which is well above the required 25% requirement, included \$10,500 in City budget funding and \$8,558.50 of in-kind labor. The grant announcement is anticipated in May.

FYI – no action necessary.

APPENDIX D
CANANDAIGUA CHARTER COMMITTEE REVIEW
Wednesday, March 29, 2017
6:00 p.m.
Hurley Building Conference Room

Members Present: Paul Bringewatt, Chair; Thomas Lyon, Vice-Chair; John Goodwin, Secretary; Jim Irwin; David Whitcomb; Bob Palumbo; Karen White Matt Martin; Jadon Hoffman

Members Absent: Nick Cutri; Jack Chambers

Advisors Present: Michele Smith

1. Approval of Minutes from March 15, 2017 Public Hearing

- a. The minutes from the Public Hearing were not available for review. The minutes were tabled to the next meeting of April 4th.

2. Administrative Information

a. Board of Elections

- i. Paul briefed the Commission on a meeting that took place at the Board of Elections on March 28, 2017. Paul, Jack Chambers, Jim Irwin, John Goodwin and Michele Smith met with Ontario County Board of Elections Commissioners Mary Salotti and Michael Northrup.
- ii. The general consensus was that it is legal to make the charter effective on the date of the election including term changes for City Councilmembers elected at the same election; however, there were concerns that there could be confusion by the average voter.
- iii. A concern was raised that the voters that sign candidate petitions would not know the length of the term of office.

b. Term Limit Research

- i. Research was done on the composition of City Council dating back to 1980 to ascertain as to whether there was an issue that should be addressed through the Charter. A proposed term limit of 12 years in any position on the City Council was proposed
- ii. Of the 57 City Councilmembers since 1980, there were only 5 that served more than 12 years in total. Of the 5 only 3 served the 12+ years consecutively.

3. Discussion of Proposed City Charter

a. Definitions

- i. The definitions changes were intended to clarify existing practice, NYS Law and case law; however, the changes have caused confusion and contention.
- ii. The Commission discussed not changing the definitions.
 1. Any issues surrounding the interpretation of NYS Law and case law should be resolved outside of the Charter.
 2. The other Charter changes are good and the relatively minor definition changes were meant to clarify and not cause confusion and/or contention.

APPENDIX D (continued)
CANANDAIGUA CHARTER COMMITTEE REVIEW
Wednesday, March 29, 2017

- iii. *Motion made by Matt Martin, 2nd by Jadon Hoffman to remove the changes made to the definition of Employee, approved by 9-0 vote.*
- iv. *Motion made by David Whitcomb, 2nd by Matt Martin to remove the changes made to the definition of Officer, approved by 9-0 vote.*
- v. The changes made to the definition of Law were also discussed. The changes do not cause any confusion or contention.

b. Term Limits

- i. Terms limits were proposed by Andrew Cotter, a member of the public that attended the public hearing.
 - 1. The term limits as proposed by Mr. Cotter were a limit of 12 years in any position of City Council.
 - 2. This would result in a possible 36 year maximum years of service. (12 as Ward rep, 12 as At-Large and 12 as Mayor)
- ii. The Commission accepted public comment on the issue.
- iii. The Commission reviewed the term limit research and found that there is not a systemic issue that needs to be resolved and that voters should not have choices limited.
- iv. *Motion made by Matt Martin, 2nd Thomas Lyon to not adopt or add term limits to the proposed Charter, approved by 9-0 vote.*

c. Implementation of Staggered Terms

- i. There has been discussion at several Commission meetings regarding the legality and potential voter confusion of implementing the staggered terms at the same election as the referendum on the proposed Charter.
- ii. The general consensus was that the changes to the term length and staggering the terms could wait to be implemented until the next election to ensure that voters and candidates fully understand the length of the term as they vote.
- iii. *Motion by Jim Irwin, 2nd Matt Martin to implement the term changes at the 2019 election.*

d. Notice of Claim Reporting

- i. The proposed Charter changed the reporting of notices of claim and there was a concern by some Commission members that the change could appear that the City is not transparent.
- ii. Michele Smith clarified that there are only a handful of notice of claims in any given year and City Council is notified about potential litigation when a claimant is not satisfied with the response from the City's insurance company.
- iii. There was a concern that the language left the reporting requirements too open ended.

APPENDIX D (continued)
CANANDAIGUA CHARTER COMMITTEE REVIEW
Wednesday, March 29, 2017

- iv. *Motion made by David Whitcomb, 2nd by Matt Martin to at “at least quarterly” so the sentence reads:* The Clerk/Treasurer shall ~~[at the next meeting of the]~~ *periodically inform City Council on the status* ~~[present all such notices]~~ of claims *against* ~~[to]~~ the City, *at least quarterly* ~~[Council]~~.

4. Other

- a. The Commission scheduled a second public hearing on April 26, 2017 at the Hurley Building at 7 PM.
- b. The Commission had a brainstorming session regarding public education. Ideas included:
 - i. The City Manager’s new public access show: Canandaigua Conversations
 - ii. Newspaper articles
 - iii. Advertisement in the newspaper and/or Penny Saver
 - iv. Speakers at local clubs such as Rotary, Kiwanis and Lions
 - v. A special show on FLTV
 - vi. Posting information on social media
 - vii. Presentations at City Council meetings
 - viii. Inclusion of information in a school district newsletter

5. Adjourn

- a. Meeting Adjourned at 7:12 PM

APPENDIX E
PLANNED UNIT DEVELOPMENT
Wednesday, March 23, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: David Whitcomb, Chairman, Ellen Polimeni, Mayor, Robert O'Brien, James Terwilliger, Anita Twitchell, Matt Martin, Karen White, Cindy Wade **absent** Nick Cutri **absent**

City Staff: Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague; Rick Brown

1. Former Lisk Property – 243 Gorham Street

At the October 20, 2016 PUD Committee meeting, Don Lasher of Capstone Real Estate Development, LLC. (Capstone), presented a proposed concept for the redevelopment of the former Lisk Property. Capstone has submitted a formal application to re-zone the area to a PUD for the redevelopment. This sketch plan application includes a mixed-use development with residential, retail, office and light manufacturing.

Don Lasher (Developer) and Glen Thornton (Project Engineer) showed the proposed footprint of this redevelopment proposal. They will attempt to save a majority of the buildings but demolish other buildings to create parking, community areas, and greenspace. Proposing a phased development and phase I will encompass five separate buildings with 50 residential units across 2 different buildings plus commercial space. Intending to have 151 parking spaces with option for 20 more spaces if necessary, dependent on use. All will be rental units that will be managed by the Development Corp. Rent will be in the range of \$1000-\$1400 for 1-2 bedroom units. Some discussion and clarification of traffic analysis.

Motion to accept application as complete and refer to City Planning Commission and County Planning Board made by Matt Martin, 2nd by Anita Twitchell. Vote 6-0 (Jim Terwilliger recused since CNB may provide financing). Set Public Hearing for April 20th.

2 RESOLUTIONS for City Council meeting.

2. Pinnacle North - Commercial Uses

The approved written statement on the preliminary site plan for Phase I of the Pinnacle North project (Resolution 2013-095) included a requirement that each proposed commercial use be reviewed and approved by the City Council in order to assess the use's various community impacts. Instead of burdening the developers and City Council with having to approve each use, City staff recommends approve all uses that comply with the [C-L "Commercial Lakefront" zoning](#).

Motion to approve change as recommended made by Matt Martin, 2nd by Anita Twitchell. Vote 7-0
RESOLUTION for City Council meeting

Adjourn at 8:40